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# Senator Dianne Feinstein

of California

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## **Senator Feinstein, D.A. Cooley, Sheriff Baca, Supervisor Antonovich Join with Teri March and Other Victims' Families to Call on President Bush to Renegotiate U.S./Mexican Extradition Treaty**

*– More than 350 criminals have fled to Mexico after committing murder and other serious crimes in California, but cannot be extradited for these crimes because of a recent decision by Mexico's Courts –*

December 7, 2003

**Los Angeles** – U.S. Senator Dianne Feinstein (D-Calif.), Los Angeles District Attorney Steve Cooley, Sheriff Leroy Baca, and Supervisor Mike Antonovich joined today with Teri March and families of victims of crimes committed by suspects who have fled to Mexico will call on President Bush to renegotiate the U.S.-Mexican Extradition Treaty or take other action to ensure that criminal suspects wanted for serious crimes cannot flee to Mexico to escape punishment.

The following is a copy of Senator Feinstein's statement for the news conference:

"We are here today to call upon President Bush today to work with Mexican President Vicente Fox to ensure that the U.S. Mexican/Extradition treaty is effective and ensure that criminal suspects wanted for serious crimes can be extradited to this country. This may require renegotiation of our current extradition treaty, and I have introduced a resolution calling on President Bush to do just that.

### **Scope of Problem**

**We know that at least 350 violent and dangerous criminals in Mexico** have fled from California after committing murder and other serious crimes. Because of a recent ruling by Mexico's Supreme Court, it is likely that these suspects cannot be extradited for their crimes. Many of these people are living free and unpunished in Mexico. In some cases, we even know where they are.

**This is not just a California problem** but a nationwide problem. There are probably **hundreds of individuals** from other states that are currently in Mexico – **but we lack hard numbers** because District attorneys in many states do not keep necessary records of which suspects fled to Mexico.

We asked the National Association of District Attorneys last spring to conduct a survey of

how many cases have been affected by Mexico's interpretation of the Treaty, it received responses from only 17 jurisdictions, and much of this information was anecdotal.

But based on the information we received, **there are at least 60 cases around the country outside of California—and this number probably grossly understates the problem.** We have also identified **14 cases where illegal aliens injured or killed a U.S. law enforcement officer.**

In a number of these cases, the suspect fled to Mexico and was able to avoid extradition to the U.S. for prosecution and punishment.

These numbers, though, do not tell the whole story. In every case, there is a horrible crime, a victim, a shattered family, and a horrible injustice.

Many of these victims are here today, including Teri March and John March, Anabella Vara, and Jack Morales. We will hear stories from each of them today. In each case, a criminal committed a horrific crime in California and has been able to avoid just punishment in Mexico. This is not right.

I want to let each of you know that I will continue to work -- with the Department of State, the Department of Justice, and state and local prosecutors -- to address this problem. As a first step, I intend to continue to press to get the hard numbers so we know exactly the full scope of the issue.

A second step will be to identify what can be done to ensure that U.S. and Mexico can fulfill their obligations under the treaty.

And third, I will continue to work to pass the resolution I have introduced in the Senate and encourage President Bush to renegotiate the treaty or find other ways to improve the enforcement of the Extradition Treaty.

### **Increased Cooperation with Mexico**

While the most serious fugitives cannot be extradited from Mexico for their crimes, there is at least some good news from Mexico. Especially recently, Mexican authorities have been very helpful to U.S. authorities in extraditing individuals for lower-level crimes.

From 1996 to 2002, the average number of extraditions from Mexico to the U.S. each year was 14. In 2003, this number increased to 24. And then from October 1 through November 5 of this year, the number was 8. If Mexico keeps up the current pace of extraditions for lower-level crimes, they will have extradited a record 90 people for this fiscal year.

In addition, I am pleased that Mexican authorities in Tijuana decided to turn over to the United States David Garcia, the man accused of gunning down rookie Burbank Police Officer Matthew Pavelka. Garcia has been charged with murder and attempted murder. It is important to note, though, that Garcia was not extradited. In fact, he was expelled because he was a U.S. citizen and because of good cooperation from Tijuana authorities.

Unfortunately, expulsion is often not a solution to the extradition problem. Mexico does not generally expel its own nationals and even, in many cases, declines to expel U.S. citizens. Indeed, there is no substitute for extraditing the most serious criminals back to this country for just punishment.

### **Conclusion**

The tragic effect of the recent Mexican Supreme Court ruling is that criminals are actually *encouraged to flee* to Mexico and escape just punishment after committing serious crimes in the United States. Indeed, individuals in the United States with a criminal history have a perverse incentive to kill an arresting police officer and head for Mexico rather than face possible prosecution and imprisonment in the United States.

Clearly, the treaty—at least as interpreted by Mexico—is not working. That is not acceptable. I will continue to do all I can to ensure that criminals who flee to Mexico are brought to justice in our country.”

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